

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 25, 2003. Claim 34 has been amended. Claims 1-51 are pending. Reconsideration of the above-referenced application in light of the amendments and following remarks is requested.

At the outset, Applicants acknowledge with appreciation that claims 1-33 and 42-51 are in condition for allowance (Office Action, pg. 4).

Claims 34-37 and 39-41 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Huggett. The rejection is respectfully traversed and reconsideration is respectfully requested in light of the current Amendment.

Huggett does not teach a method of forming a chalcogenide structure, comprising, “forming a chalcogenide glass layer, forming a metal-containing layer . . . irradiating said metal-containing layer to break a chalcogenide bond . . . [and] exposing an outer surface of the chalcogenide glass layer to an iodine comprising fluid, wherein said iodine comprising fluid removes at least a portion of said irradiated outer surface,” as recited in claim 34 (emphasis added).

Huggett merely discloses that “[t]he silver layer in the non-irradiated portion of the film is conventionally removed with an acid solution, e.g. aqua regia or nitric acid, or a potassium-iodide/iodine solution.” (Col. 2, lines 32-34) (emphasis added). Huggett does not teach that the iodine comprising fluid removes at least a portion of the irradiated outer surface of the chalcogenide glass layer.

Claims 35-37 and 39-41 depend from independent claim 34 and are at least allowable for the reasons set forth above with regard to claim 34. Accordingly, the withdrawal of this rejection with regard to claims 34-37 and 39-41 is solicited.

Claim 38 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huggett. The rejection is respectfully traversed and reconsideration is respectfully requested in light of the current Amendment.

Claim 38 depends from independent claim 34 and is at least allowable for the reasons set forth above with regard to claim 34. In particular, Huggett does not teach or suggest an “iodine comprising fluid [which] removes at least a portion of said irradiated outer surface,” from the chalcogenide glass layer as recited in claim 34.

The Office Action argues that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Huggett et al. by selecting a specific concentration of potassium iodide solution within the range as required by the claim.” (Office Action, pg. 4). M.P.E.P. § 2144.05 provides that “where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation.” (emphasis added).

However, Huggett does not teach or suggest any concentrations of an iodine or potassium iodide solution. As a result, the general conditions of claim 38 are not disclosed. Huggett does not teach or suggest a “potassium iodide solution [which] comprises from 5 to about 30 grams I₂ per liter of a from 20% to about a 50% potassium iodide solution,” as recited in claim 38. Therefore, the § 103(a) rejection should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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